

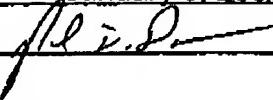
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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW VIA FACSIMILE TO		Docket Number (Optional) 13879
<p>I hereby certify that this correspondence is being deposited to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.6(a))</p> <p style="text-align: center;">571-213- 8300</p> <p>on <u>January 6, 2006</u></p> <p>Signature </p> <p>Typed or printed name <u>Paul F. Donovan</u></p>		<p>Application Number 10/624,268</p> <p>Filed 7/22/2003</p> <p>First Named Inventor MARK J. SUMMER</p> <p>Art Unit 1772</p> <p>Examiner Michael C. Miggins</p>

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- applicant/inventor.
- assignee of record, or the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/98)
- attorney or agent of record. 39,962
Registration number _____
- attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____



Signature

Paul F. Donovan

Typed or printed name

847-657-4075

Telephone number

January 6, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of this entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
 Group Art Unit 1772
 Attorney Docket No. 13879

In re
 Patent Application of:

Mark J. Summer

Serial No.: 10/624,268

Filed: July 22, 2003

Examiner: Miggins, Michael C

**'MOLDED PLASTIC ROD WITH IMPROVED
 BREAKING STRENGTH'**

I, Paul F. Donovan, hereby certify that this correspondence
 is being transmitted via facsimile to the United States
 Patent Office at (571) 273-6300, on the date of my
 signature.

Paul F. D.

Signature

January 6, 2006

Date of Signature

PRE-APPEAL BRIEF

MS AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

This communication is filed in response to the Final Office Action mailed November 3, 2005 and the advisory action mailed December 28, 2005. It is respectfully requested that the above-identified application be allowed in accordance with the arguments set forth below. No extension of time in which to file a response is believed necessary. However, if an extension of time is required, please consider this a petition therefore and charge any additional fees which may be required as set forth below. No additional claim fee is due. However, please debit any deficiency to Deposit Account No. 09-0025 as may be required in connection with the submission of this Amendment. IN NO EVENT CAN THE ISSUE FEE BE CHARGED TO THE DEPOSIT ACCOUNT.

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Respectfully Submitted,

Paul F. Donovan
 Reg. No. 39,962

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AMENDMENT(S) TO THE CLAIMS:

Please amend the claims as follows:

1. (Previously Presented) A molded plastic rod comprising:
a barrel formed by an injection molding process, said barrel having an injection site for
the injection molding process along the length thereof; and
an injection stress relieving formation in said barrel adjacent said injection site.
2. (Original) The rod of claim 1, including first and second injection stress
relieving formations on opposite sides of said injection site.
3. (Original) The rod of claim 2, said first and second injection stress relieving
formations being outward projections from the surface of said barrel.
4. (Original) The rod of claim 3, said first and second injection stress relieving
projections being elongated along the length of the rod.
5. (Original) The rod of claim 4, said first and second elongated stress-relieving
projections having tapered ends.
6. (Previously Presented) The rod of claim 5, said projections provided at a
minimum incline of one degree.
7. (Previously Presented) The rod of claim 5, said projections ending at a
maximum angle of 90 degrees to a tangent of the injection site.
8. (Previously Presented) The rod of claim 7, said projections provided at a
minimum incline of one degree.
9. (Original) The rod of claim 8, said plastic being light transmissive.
10. (Original) The rod of claim 1, said plastic being light transmissive.

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11. (Original) The rod of claim 10, said plastic being acrylic.

12. (Previously Presented) An injection molded plastic rod for a hydrometer of a storage battery, said rod comprising:

a barrel formed by an injection molding process, said barrel being of light transmissive plastic having a cone shaped tip at one end thereof and an indicating surface at an opposite end thereof, with an injection site for the injection molding process along a length thereof, and first and second injection stress relieving formations arranged symmetrically on opposite sides of said injection site.

13. (Original) The rod of claim 12, said first and second stress relieving formations being projections from the surface of said barrel.

14. (Original) The rod of claim 13, said plastic being acrylic.

15. (Original) The rod of claim 13, said projections being elongated along a length of said rod.

16. (Original) The rod of claim 15, said elongated projections having tapered ends.

17. (Previously Presented) The rod of claim 12, said first and second stress relieving formations being projections extending from a surface of said barrel at a minimum incline of one degree.

18. (Original) The rod of claim 12, said first and second stress relieving formations being projections from a surface of said barrel ending at a maximum angle of 90 degrees to a tangent of said injection site.

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19. (Previously Presented) The rod of claim 18, said projections extending at a minimum incline of one degree.

20. (Previously Presented) A method of making and using a plastic rod for a storage battery hydrometer, said method comprising steps of:

providing a storage battery having an opening;

providing a mold having an elongated barrel-forming portion and an injection gate along the barrel-forming portion;

providing a pocket in the mold adjacent the injection gate;

injecting plastic into the mold through the injection gate and flowing the plastic into the pocket as injection of plastic into the mold is completed; and

inserting said rod into said opening in said storage battery.

21. (Original) The method of claim 20 including providing two pockets symmetrically arranged on opposite sides of the injection gate, and flowing plastic into said pockets as injection of plastic into the mold is completed.

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REMARKS:

At the time of the Final Office Action claims 1-21 were pending and considered by the Examiner. In response to the arguments submitted by the Applicant on December 19, 2005, the Examiner issued an advisory action on December 28, 2005 indicating that, in his opinion, the claims still read on Stiehl et al. The Examiner's opinion is traversed for at least the following reason.

As previously noted, the Examiner repeated the rejections set forth in the non-final rejection of May 10, 2005. It is respectfully argued that the Examiner has not yet given the amendments made in the response of July 20, 2005 any patentable weight.

As previously explained, claims 1 and 12 were amended to more clearly define the injection site and, therefore, the relative relationship of the stress relieving formation(s). As previously argued, Stiehl et al. fail to define an injection site and, therefore, also fail to define the location of stress relieving formations in relation to the injection site. The Examiner notes that the rod 37 of Stiehl et al. includes fins 48. However, just because Stiehl et al. has fins 48, this does not address the claim limitations of defining an injection site for an injection molding process. Stated differently, where in Stiehl et al. is an injection site for the rod described? Without knowing the injection site, Stiehl et al. also fails to teach or suggest stress relieving formation(s) in relation to the injection site. As has been previously argued, the art of record also fails to solve the deficiencies of Stiehl et al.

Thus, it is respectfully argued that the Examiner has not fully appreciated the claimed injection site and the location of the stress relieving formation(s) in relation to the injection site taken together with all of the other limitations set forth in the claims. For at least these reasons, claims 1 and 12 are allowable over Stiehl et al., either taken alone or in combination with the other art of record.

In regards to claim 20, additional steps were added to further set forth that the rod is made and used specifically for a storage battery hydrometer. Stiehl et al. certainly does not teach or suggest, nor can it be modified to include, all of the limitations recited in claim 20. It

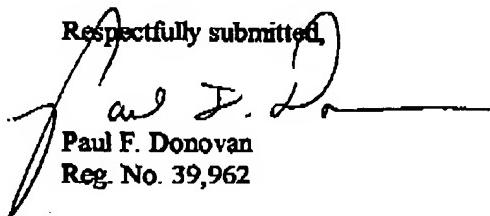
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is respectfully argued that the Examiner has still not yet fully considered all of the limitations set forth in claim 20. The Examiner has not shown that Stiehl et al. can be properly modified to include all of the limitations recited in claim 20. Thus, claim 20 is patentable over Stiehl et al., taken alone or in combination with the other art of record.

Claims 2-11, 13-19 and 21 depend from one of claims 1, 12 and 20, and, therefore, are allowable for the same reasons applied thereto, as well as for the additional subject matter recited in each.

No new matter has been added by way of the remarks made herein. Reconsideration and allowance of all the pending claims are respectfully requested. In the event that there are any issues that can be addressed and expedited by telephone conference, the Office is invited to telephone the undersigned at the number indicated below.

Respectfully submitted,



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